

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES JONES,

Plaintiff,

v.

BANTRY GROUP CORP. d/b/a Wexford Health
Sources, Inc., DR. JOHN COE, ELAINE
HARDING and UNKNOWN PARTIES,

Defendants.

Case No. 15-cv-1264-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 45) of Magistrate Judge Donald G. Wilkerson recommending that the Court deny defendant Elaine Harding’s motion to dismiss (Doc. 28), deny the defendants’ motion for summary judgment (Doc. 38), and dismiss this case for want of prosecution

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and, with the exception of a few typographical errors,¹ finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

¹ Specifically, on pages 1 and 7, the motion to dismiss (Doc. 28) was filed by Harding on March 10, 2016, not 3016, and on page 7, the motion for summary judgment (Doc. 38) was filed by the defendants on May 18, 2016, not May 38, 2016.

- **ADOPTS** the Report with the corrections noted in footnote 1 (Doc. 45);
- **DENIES** Harding's motion to dismiss (Doc. 28);
- **DENIES** the defendants' motion for summary judgment (Doc. 38);
- **DISMISSES** the remaining claims in this case **without prejudice** for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b); and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: October 12, 2016

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE